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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,211	01/02/2001	Stephen D. Tiley	3520-002268-H	2937

7590

12/05/2002

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EXAMINER

BUCHANAN, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary	Application No. 09/753,211	Applicant(s) TILEY ET AL.	
	Examiner Christopher R Buchanan	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of the Chicago Sun-Times article.

With regard to claim 1, Tsukuda discloses a method of package storage and retrieval that includes the steps of providing within an outlet location a receptacle with a compartment capable of receiving, retaining, and releasing a package deposited by a sender, providing the sender with access to the compartment to deposit a package, and providing the recipient with access to the compartment to retrieve the package and thereby completing the transaction (abstract, col. 9 line 38+, col. 10 line 31+, col. 11 line 6+). With regard to claim 2, the compartment has a locking mechanism that can be unlocked by the sender and recipient (col. 10 line 31+, col. 11 line 5+). With regard to claim 3, the transaction can be monitored from a remote site (col. 10 line 1+, abstract). With regard to claim 4, a sensor determines the presence of the package in the compartment (col. 10 line 46+). With regard to claims 5-8, the sender, recipient, and an administrator are notified via a computer network when the package arrives and is retrieved (col. 7 line 10+, col. 7 line 46+, see Fig. 1). With regard to claims 9 and 10,

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the recipient has access to remote assistance via an input/output device (see Fig. 19).

It would be obvious to one skilled in the art that the input/output device could be a telephone, terminal, etc. With regard to claim 11, the recipient has a window of time to access the compartment and retrieve the package (abstract, col. 9 line 1+). With regard to claims 15 and 17, the sender and recipient retain access to the compartment until the transaction is complete (see Fig. 1), and it is common practice for a recipient to return products to a sender. With regard to claim 16, it would be obvious to one skilled in the art that a sender could receive a package as if the sender was a recipient. With regard to claim 18, the transaction can be identified via a bar code (col. 4 line 30+). With regard to claims 19 and 20, it is common practice in the field to use credit cards for customer identification and payment. With regard to claims 21 and 22, it would be obvious to one skilled in the art that the sender and recipient could be any party. With regard to claim 23, the administrator monitors the activity of the receptacle compartments (col. 8 line 60+). With regard to claim 24, it would be obvious to one skilled in the art that the receptacle could be located outside of a retail outlet or any other suitable location.

The method of Tsukuda does not explicitly show the outlet location to be a retail outlet [claim 1] or the recipient to receive direct marketing based on acquired customer information [claims 12-14].

The Chicago Sun-Times article discloses a method (that of PaxZone.com) of package storage and retrieval that includes providing within a retail outlet a means for receiving, storing, and delivering a package sent by a sender (see PaxZone.com

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reference for details). The PaxZone method notes that recipient may receive direct marketing based on acquired customer information (see privacy of customer section). It would be obvious to one skilled in the art that the marketing could occur at any time and could utilize a variety of marketing tools (coupons, videos, etc.).

It would be obvious to one skilled in the art to modify the method of Tsukuda so that the outlet location is a retail outlet and to allow the recipient to receive direct marketing based on acquired customer information, as taught by the Chicago Sun-Times article, to provide a convenient location for package pickup and a convenient opportunity for marketing. Furthermore, it would be obvious to one skilled in the art that the outlet location could be a variety of different locations, including a retail outlet.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al. disclose a method by which a customer orders a product over a network and pays for and picks up the item at a local point of sale outlet using a credit card. Matsumori discloses a method in which a buyer orders items over the Internet and specifies a time and location for pickup.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Buchanan whose telephone number is 703-306-5782. The examiner can normally be reached on M-T 9-7.

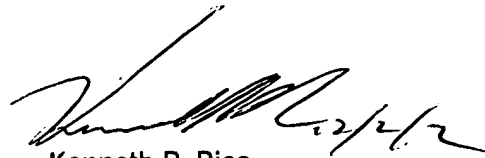
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Christopher Buchanan
November 27, 2002



Kenneth R. Rice
Primary Examiner